spouses during the marriage is treated as profits belonging to the community, unless it is a gift to the separate use of one partner. The husband administers the property so long as the community lasts, unless he has been legally declared an absentee or put under interdiction. The community property is subject to all debts of the spouses during marriage (with unimportant exceptions), but not to preëxisting debts. In some cases the court has power to decree a "separation of goods," a dissolution of the marital copartnership in the property, whereupon each spouse holds his own share of the property in severalty.

The method of testate or intestate succession and of administering estates is also worth study. A man's wife and children (including recognized illegitimate children) have certain rights in his property (their *legitim*) of which he cannot deprive them by a will; and the sum of these rights ties up a very considerable part of his estate. The balance may be disposed by will. One object of the law is to secure the validity of a will both against forgers and against undue influence. Wills are of three kinds. The *holographic* will, written entirely by the hand of the testator, must be written on stamped and dated official paper. The open will must be attested by the testator before a notary, and its contents made public. The secret will must be sealed by the testator within a cover, attested before a notary, and left sealed with the notary. In the case of a testator who might be suspected of insanity, provision is made for proof of his sanity at the time of the attestation of his will. Some of these provisions might be pondered by our legislators. The administration of an estate and the guardianship of an infant are, on the other hand, less carefully looked after by the Spanish courts than by ours; the guardian is kept to his duty, not by the court, but by a *protutor*, appointed from another branch of the family, with the duty of overseeing the guardian's accounts. These officers are nominated by the "family council," a semi-official body with which we are partly familiar in literature.

The proportionate importance of different parts of the law may strike us as singular. To the law of torts, for instance ("obligations arising from fault or negligence"), nine sections are devoted out of about two thousand; the same space devoted to the law of application of payments, and about a quarter of the space devoted to prescription. It is to be said, however, that a large part of our law of torts is dealt with in the Penal Code. J. H. B.

A Treatise on the Law of Evidence. By Simon Greenleaf. Volumes II. and III. Sixteenth Edition. By Edward Avery Harriman. Boston: Little, Brown & Co. 1899. pp. xcv, 638; xliii, 542.

Volume I. of Greenleaf on Evidence expounds and discusses the law of evidence; volumes II. and III. are cyclopædias of reference as to what evidence is necessary in the trial of various actions at law. The sixteenth edition of volume I., by Professor Wigmore, succeeded admirably, it seems, in rejuvenating the learning of Greenleaf and in revising and clarifying the principles of evidence. The work of Professor Harriman, in editing the sixteenth edition of volumes II. and III., was merely to bring those cyclopædias of reference up to date by the addition of the recent authorities and the noting of recent alterations of the law — the usual work of an editor — less ambitious and less laborious than the work on volume I., but a necessary complement to it. As far as one may judge of a cyclopædia of law cases without the practical use of it, the work

seems well done. Mr. Harriman seems to have gone over the whole field with care, and, on most of the points, to have added some authorities. The work has been merely that of supplementing the original lists of cases with authorities culled from the subsequent digests, but the selection and arrangement of these authorities is adequate. The new notes are very slight, and only some two or three thousand cases are added — but the amount of additions seem to justify the reëdition. The text of volumes II. and III. of Greenleaf contains a great mass of general legal information, but — unlike the text of volume I. — it has no peculiar significance as epoch making in the law. In view of that fact, one regrets that Mr. Harriman took so few liberties with it. J. P. C., JR.

We have also received: —

RAILWAY CONTROL BY COMMISSIONS. By Frank Hendrick. New York and London: G. P. Putnam's Sons. 1900. pp. 160. The first chapters comprise an accurate and concise account of the history of railway development and regulation in the countries of continental Europe. It, however, amounts to little more than a digest of similar sections in earlier texts on the same subject, and was apparently undertaken without any prolonged investigation of the original sources of information. What may be called the latter half of the text deals more directly with the control by commissions as we know them. It contains an historical sketch of the genesis of the present English and American systems. The author's conclusions are clearly and accurately stated. It is his opinion that a commission, in order to best control the railroad interests in America, should be modelled not after the English type, but after that of Massachusetts. It should be advisory rather than executive. It should control, not by force of powers granted it by the legislature, but by means of the enlightened public opinion which it will call into existence. In advocating the Massachusetts system for all democratic governments, the author forgets that the efficiency of this system was due to a great extent to its brilliant personnel and the fact that the conditions under which it worked were largely peculiar to Massachusetts. Therefore this plan is not fully assured of an equal success if it be put in practice in other states. From the unfortunate result of our present federal system, the author argues that all commissions "with power" will be inefficient. He apparently overlooks the fact that this failure may be due to a lack of greater power rather than to the greatness of the power it at present possesses. However, the writer's view is undoubtedly tenable, and it may be that the method of control suggested, though it now appears somewhat visionary, will in the future work out the best results.

CONTRACTS, Extracts, Citations, Condensed Cases, Cases and Statements. Prepared for the use of Students in the Law School of the University of New York. By Clarence D. Ashley. Second Edition. New York: L. D. Tompkins. 1899. pp. 360. This volume is virtually a short cut to a knowledge of the law of contracts, and very rarely can such a short cut be considered successful. A full report of some fifty actual decisions, a liberal condensation of the facts of as many more, and numerous supposititious examples, together with other brief extracts of various sorts, serve to make up the body of the text. The book may